

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

TRAMALE LOCKETT,	:	
Plaintiff,	:	
	:	Civil Action No. 3:15-CV-1843
v.	:	
	:	
WARDEN RICHARD SMITH,	:	
et al.,	:	(Judge Kosik)
Defendants.	:	

ORDER

AND NOW, THIS 23rd DAY OF FEBRUARY, 2016, IT APPEARING TO THE COURT THAT:

[1] Plaintiff, Tramale Lockett, a state prisoner formerly housed at the Centre County Prison, filed a *pro se* civil rights complaint, on September 25, 2015 (Doc. 1);

[2] The action was assigned to Magistrate Judge Martin C. Carlson;

[3] On December 7, 2015, Plaintiff filed a Motion to Amend the complaint (Doc. 19) and a Motion for Preliminary Injunction (Doc. 22);

[4] On December 30, 2015, Plaintiff reported that he was no longer housed at Centre County Prison and that he was transferred to State Correctional Institution Benner (Doc. 24);

[5] On January 6, 2016, the Magistrate Judge issued a Report and Recommendation, recommending that Plaintiff's motion for preliminary injunction be denied as moot due to his release from Centre County Prison (Doc. 25);

[6] On January 13, 2016, the Magistrate Judge issued another Report and Recommendation, recommending that Plaintiff's motion to amend be granted in part and denied in part (Doc. 26);

[7] Specifically, the Magistrate Judge recommended that the proposed second amended complaint (Doc. 21) should be filed against Defendants LT Delkar, LT Woods, Nurse Kimberley, Nurse Dawn, Nurse Michelle, and C.O. Luzier and served upon those Defendants. The Magistrate Judge also recommended that Defendants Warden Smith and Nurse Larry should be dismissed from this action, since the second amended complaint failed to state a claim of supervisory liability upon which relief may be granted;

[8] Plaintiff has failed to file timely objections to the Reports and Recommendations;

AND, IT FURTHER APPEARING THAT:

[9] If no objections are filed to a Magistrate Judge's Report and Recommendation, the Plaintiff is not statutorily entitled to a *de novo* review of his claims. 28 U.S.C.A. § 636(b)(1)(C); Thomas v. Arn, 474 U.S. 140, 150-53 (1985). Nonetheless, the usual practice of the district court is to give "reasoned consideration" to a magistrate judge's report prior to adopting it. Henderson v. Carlson, 812 F.2d 874, 878 (3d Cir. 1987); and

[10] We have considered the Magistrate Judge's reports and we concur with his recommendations.

ACCORDINGLY, IT IS HEREBY ORDERED THAT:

[1] The Report and Recommendation of Magistrate Judge Martin C. Carlson, dated January 6, 2016 (Doc. 25) is **ADOPTED**;

[2] Plaintiff's Motion for Preliminary Injunction (Doc. 22) is **DENIED AS MOOT**;

[3] The Report and Recommendation of Magistrate Judge Martin C. Carlson, dated January 13, 2016 (Doc. 26) is **ADOPTED**;

[4] Plaintiff's Motion to Amend (Doc. 19) is **GRANTED IN PART, DENIED IN PART**;

[5] Defendants Warden Smith and Nurse Larry are **DISMISSED** from this action; and

[6] The Clerk of Court is further directed to **FORWARD** a copy of this Order to the Magistrate Judge for further proceedings in accordance with this Order.

s/Edwin M. Kosik
Edwin M. Kosik
United States District Judge